

106TH CONGRESS
2D SESSION

S. 2397

To amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny the Department of Defense access to secondary school students or directory information about secondary school students for military recruiting purposes; and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2000

Mr. HUTCHINSON (for himself, Mr. THURMOND, Mr. SESSIONS, Mr. CRAIG, Mr. SMITH of New Hampshire, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny the Department of Defense access to secondary school students or directory information about secondary school students for military recruiting purposes; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Recruiter Ac-
5 cess Enhancement Act of 2000”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The combined effects of the strongest econ-
4 omy in 40 years, the lowest unemployment rate since
5 the establishment of an all-volunteer force for the
6 Armed Forces, and a declining propensity on the
7 part of America's youth to serve in the military
8 make the recruitment of persons for the Armed
9 Forces unusually challenging.

10 (2) For the recruitment of high quality men
11 and women, each of the Armed Forces face intense
12 competition from the other branches of the Armed
13 Forces, the private sector, and postsecondary edu-
14 cational institutions.

15 (3) It is becoming increasingly difficult for the
16 Armed Forces to meet their respective recruiting
17 goals. Despite a variety of innovative approaches
18 taken by recruiters and the extensive programs of
19 benefits that are available for recruits, recruiters
20 have to devote extraordinary time and effort to fill
21 monthly requirements for immediate accessions.

22 (4) Unfortunately, a number of high schools
23 have denied recruiters for the Armed Forces access
24 to the students, or to student directory information,
25 of those high schools. In 1999, there were 4,515 in-
26 stances of denial of access to the Army, 4,364 in-

1 stances in the case of the Navy, 4,884 instances in
2 the case of the Marine Corps, and 5,465 instances
3 in the case of the Air Force.

4 (5) As of the beginning of 2000, nearly one-
5 fourth of all high schools nationwide did not release
6 student directory information to Armed Forces re-
7 cruiterers.

8 (6) In testimony presented to the Committee on
9 Armed Services of the Senate, recruiters of the
10 Armed Forces state that the single biggest obstacle
11 to carrying out their recruiting mission is the denial
12 of access to directory information about students,
13 for a directory listing of high school students is the
14 recruiter's basic prospecting tool. When directory in-
15 formation is not provided by schools, recruiters must
16 spend valuable time (otherwise available for pur-
17 suing recruiting contacts) to construct such a list
18 from school yearbooks and other sources. This dra-
19 matically reduces both the number of students each
20 recruiter can reach and the time available for com-
21 municating with the students that the recruiters can
22 eventually locate.

23 (7) The denial of direct access to students and
24 the denial of access to directory information unfairly
25 hurts America's youth. High schools that deny ac-

1 cess by military recruiters prevent students from re-
 2 ceiving all of the information on the educational and
 3 training incentives offered by the Armed Forces,
 4 thus impairing the career decisionmaking process for
 5 the students by limiting the availability of complete
 6 information on their options.

7 (8) The denial of access for Armed Forces re-
 8 cruiters to students or to directory information ulti-
 9 mately undermines our national defense by making
 10 it harder for our Armed Forces to recruit young
 11 Americans in the quantity and of the quality nec-
 12 essary for maintaining the readiness of the Armed
 13 Forces to provide national defense.

14 **SEC. 3. LOCAL EDUCATIONAL AGENCIES DENYING ACCESS**
 15 **TO SECONDARY SCHOOLS FOR MILITARY RE-**
 16 **CRUITING PURPOSES.**

17 (a) DENIAL OF EDUCATIONAL ASSISTANCE
 18 FUNDS.—Section 503 of title 10, United States Code, is
 19 amended by adding at the end the following:

20 “(d) DENIAL OF EDUCATIONAL ASSISTANCE FUNDS
 21 TO UNCOOPERATIVE LOCAL EDUCATIONAL AGENCIES.—
 22 (1) Section 983 of this title (other than subsection (a) of
 23 such section) shall apply to each local educational agency
 24 listed under paragraph (2) as if the local educational agen-

1 cy were an institution of higher education described in
2 subsection (b) of that section.

3 “(2) The Secretary of Defense shall maintain a list
4 of local educational agencies that are required under para-
5 graph (3) to be listed as local educational agencies that
6 deny recruiting access to the armed forces.

7 “(3)(A) If a local educational agency denies a request
8 for recruiting access that is made by a representative of
9 an armed force, an officer of that armed force designated
10 by the Secretary concerned shall visit the local educational
11 agency for the purpose of arranging for recruiting access.
12 The visit shall occur within 120 days after the date of
13 the denial of the request. An officer designated under this
14 subparagraph shall be a general or flag officer.

15 “(B) Upon a determination by the Secretary of De-
16 fense that, after the actions under subparagraph (A) have
17 been taken with respect to a local educational agency, the
18 agency continues to deny recruiting access, the Secretary
19 shall transmit to the Chief Executive of the State in which
20 the local educational agency is located a notification of the
21 denial of access and a request for assistance in obtaining
22 the requested access. The notification shall be transmitted
23 within 60 days after the date of the determination. The
24 Secretary shall provide copies of communications between

1 the Secretary and a Chief Executive under this subpara-
2 graph to the Secretary of Education.

3 “(C) If a local educational agency continues to deny
4 recruiting access one year after the date of the transmittal
5 of a notification regarding that agency under subpara-
6 graph (B), the Secretary shall determine whether the
7 agency denies recruiting access to at least two of the
8 armed forces (other than the Coast Guard when it is not
9 operating as a service in the Navy) and, upon making an
10 affirmative determination, shall include the agency on the
11 list maintained under paragraph (2).

12 “(4) In this subsection:

13 “(A) The term ‘local educational agency’ in-
14 cludes the governing body of any person owning a
15 private secondary educational institution.

16 “(B) The term ‘recruiting access’ means access
17 requested under subsection (c).

18 “(C) The term ‘State’ includes the District of
19 Columbia, American Samoa, the Federated States of
20 Micronesia, Guam, the Republic of the Marshall Is-
21 lands, the Commonwealth of the Northern Mariana
22 Islands, the Commonwealth of Puerto Rico, the Re-
23 public of Palau, and the United States Virgin Is-
24 lands.”.

1 (b) TRANSITION PROVISIONS.—(1) In the case of a
2 local educational agency that, as of the date of the enact-
3 ment of this Act, is listed by the Department of Defense
4 as an educational agency that denies recruiting access—

5 (A) the local educational agency shall be
6 deemed to have first denied recruiting access on that
7 date;

8 (B) the visit required under paragraph (3)(A)
9 of section 503(d) of title 10, United States Code (as
10 added by subsection (a)), shall be made by a general
11 or flag officer of any armed force that is appropriate
12 under that paragraph, as determined by the Sec-
13 retary of Defense;

14 (C) any notification required under paragraph
15 (3)(B) of such section 503(d) shall be transmitted
16 within 90 days (instead of 60 days) after the Sec-
17 retary of Defense makes a determination under that
18 paragraph; and

19 (D) paragraph (1) of such section 503(d) shall
20 not apply to the agency unless and until the date on
21 which the Secretary of Defense is required under
22 paragraph (3)(C) of that section to include the agen-
23 cy on the list of local educational agencies that deny
24 recruiting access to the Armed Forces.

1 (2) In this subsection, the terms “local educational
2 agency” and “recruiting access” have the meanings given
3 those terms in section 503(d)(4) of title 10, United States
4 Code (as added by subsection (a)).

5 (c) TECHNICAL AMENDMENTS.—Section 503 of title
6 10, United States Code, as amended by subsection (a),
7 is further amended—

8 (1) in subsection (a), by inserting “RECRUITING
9 CAMPAIGNS.—” after “(a)”;

10 (2) in subsection (b), by inserting “COMPILA-
11 TION OF DIRECTORY INFORMATION.—” after “(b)”;
12 and

13 (3) in subsection (c), by inserting “RECRUITING
14 ACCESS TO SECONDARY SCHOOLS.—” after “(c)”;

15 (d) REPEAL OF DUPLICATIVE AUTHORITY REGARD-
16 ING GRANTS AND CONTRACTS TO UNCOOPERATIVE INSTI-
17 TUTIONS OF HIGHER EDUCATION.—Section 8120 of the
18 Department of Defense Appropriations Act, 2000 (Public
19 Law 106–79; 113 Stat. 1260; 10 U.S.C. 983 note) is re-
20 pealed.

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